IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

IN RE:	
Reyna Cortez,	No. 15-14713
	Hon. Eugene R. Wedoff
Debtor.	Chapter 7
ANDREW J. MAXWELL, Trustee,	
Plaintiff,	
v.	Adv. No.
Donaciano Maldonado	
Defendant(s).	

ADVERSARY COMPLAINT
FOR AUTHORIZATION TO SELL JOINTLY OWNED PROPERTY

Andrew J. Maxwell, Trustee, by his attorneys, states the following as his Adversary Complaint for Authorization to Sell Jointly Owned Property:

1. Reyna Cortez ("Debtor") commenced her bankruptcy case by filing a voluntary petition for relief under Chapter 7 of the Bankruptcy Code on April 25, 2015.

2. Andrew J. Maxwell ("Trustee") was appointed to serve as the Chapter 7 Trustee, has qualified and has been acting as such.

3. Donaciano Maldonado ("Donaciano") is believed to be a citizen and resident of this District and is not a debtor in this bankruptcy case.

4. This Court has jurisdiction over this adversary proceeding pursuant to Title 28 U.S.C. §1334, and Bankruptcy Rule 7001, et seq.

5. This is a core proceeding pursuant to Title 28 U.S.C. §157(b) (2) in which this Court is empowered to enter a final judgment.

6. Venue is proper in this District pursuant to Title 28 U.S.C. §1409(a).

7. The Debtor's schedules disclosed ownership interest in certain real estate commonly known as 714 SW Thunderbird Way (now renumbered as 214), Mattawa, Grant County, WA (the "real estate"). The real estate is improved with a single family house. The permanent index number is believed to be 15-020804000.

8. The Debtor's Schedule A disclosed the real estate as "JTWROS" "jointly owned with ex-partner". The Grant County Treasurer's website discloses Donaciano Maldonado at 2046 Spruce Avenue, Des Plaines, IL as the tax payer.

9. The real estate does not appear to be homestead property for either Debtor or Donaciano. Debtor did not assert a homestead exemption in regard to the real estate.

10. There is a mortgage recorded against the real estate.

11. Debtor's interest in the real estate constitutes property of Debtor's bankruptcy estate within the meaning of §541(a) of Title 11 U.S.C. (the "Bankruptcy Code"), which Trustee may use, sell, or lease.

12. On information and belief:

(a) partition in kind of the beneficial interest in the real estate between the bankruptcy estate and the joint owner(s) impracticable;

(b) sale of the estate's undivided interest in the real estate would realize significantly less for the estate than sale of the real estate in its entirety, free of the interest of the joint owner(s);

(c) the benefit to the estate of a sale of the real estate free of the interests of the joint owner(s) outweighs the detriment, if any, to the joint owner(s); and

(d) the real estate is not used in the production, transmission, distribution, for sale, of electric energy or of natural or synthetic gas for heat, light, or power.

13. Pursuant to §363(h) of the Bankruptcy Code, this Court should authorize Trustee to sell the real estate in its entirety, free and clear of all liens, claims and encumbrances, including any interest of Donaciano or any other joint owner or any person claiming by or

through such persons, with any such liens, claims and encumbrances, including the interests of those persons, to attach to the proceeds of the sale, subject to a determination of this Court as to the extent, validity and priority of such liens, claims and encumbrances.

WHEREFORE, Andrew J. Maxwell, Trustee, prays this Court to enter an order:

A. Authorizing Trustee to sell the real estate in its entirety, free and clear of all liens, claims, and encumbrances, including any interest of Donaciano Maldonado or any other joint owner or any person claiming by or through such persons, with any such liens, claims, and encumbrances, including the interest of those persons, to attach to the proceeds of the sale, subject to a determination by this Court of the nature, validity, and extent of any such liens, claims and encumbrances;

B. Subject to further order of this Court, directing and ordering Donaciano Maldonado, Reyna Cortez, and any other joint owner to execute at the direction of Trustee any deed or other instrument necessary to convey title to the real estate, or, in the alternative, that the Trustee will be authorized to convey title to the real estate on behalf of all owners;

C. Awarding Trustee his costs of suit; and

D. Granting such other and further relief as this Court deems just and fair.

Respectfully submitted,
Andrew J. Maxwell, Trustee

BY: */s/ Andrew J. Maxwell*
One of his attorneys

Andrew J. Maxwell (ARDC# 1799150)
Maxwell Law Group, L.L.C.
105 West Adams, Suite 3200
Chicago, Illinois 60603
312/368-1138